



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NB:JAM/MEM/MG
F. #2017R00509

*271 Cadman Plaza East
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February 8, 2023

By ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Karl Jordan, Jr., et al.
Criminal Docket No. 20-CR-305 (S-1) (LDH)

Dear Judge DeArcy Hall:

This letter is in response to the Court's January 13, 2023 Order, directing the parties to "file a joint letter indicating their availability for a trial beginning January 29, 2024." The government and defense counsel have conferred and confirm their availability for trial beginning on January 29, 2024. However, the government respectfully requests that an earlier trial date be set for as soon as possible. Counsel for the defendants take no position on this request, but have confirmed that they remain available to try the case in November 2023, as represented at the January 13, 2023 status conference.¹

At the recent status conference, the Court offered to try the case on April 10, 2023, which presented a conflict for several of the defense attorneys. Additional dates between April 2023 and January 2024, particularly during the summer months, were not fully explored. While the government is mindful of the scheduling challenges caused by the pandemic, as well as the individual dockets of seven defense attorneys and the Court, the defendants will have been in custody for nearly three and half years by January 2024, and the victim's family continues to

¹ As represented at the status conference, counsel for Jordan have confirmed that they remain available to try the case in November 2023. Counsel for Washington also stated that they would be available to try the case in November 2023 during the status conference, but now represent that one of the attorneys will be unavailable in November due to a four-to-six-week trial scheduled to commence on September 11, 2023 before the Honorable Carol B. Amon. Given the length of the adjournment and the number of attorneys representing defendant Washington, the government does not see this as an impediment to beginning the trial in November 2023 or earlier.

seek justice without unreasonable delay. The government is also prejudiced by the extended delay, as one key witness has passed away during the pendency of the case and witness intimidation and tampering remain a significant concern. Indeed, witnesses in this case have received threats since the unsealing of the indictment, see ECF No. 129 at 11-12, and several witnesses have expressed concerns about the defendants' ability to identify and threaten them, which is now an even greater concern in light of the additional 11-month trial delay and recent government disclosures regarding witness statements and expected trial testimony. Given that the government and defense cases will likely take less than three weeks in total, a trial date before January 2024 is both appropriate and feasible.

The government and counsel for defendant Washington also request a status conference as soon as possible so that Washington can have an opportunity to consent on the record to the exclusion of additional time from the Speedy Trial clock, if he chooses to do so after conferring with his lawyers. As the Court is aware, defendant Washington did not appear at the January 13, 2023 status conference, and counsel waived his appearance. Given the length of the potential adjournment for trial, the government respectfully submits that Washington's consent to the exclusion of time should be stated in court and on the record.

Thank you for your consideration of these requests.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: All Counsel of Record (by ECF)